

**BEFORE THE TENNESSEE REGULATORY AUTHORITY-**

**NASHVILLE, TENNESSEE**

**April 8, 2003**

**IN RE:**

**REVISION OF BELL SOUTH SGAT TO  
INCLUDE COLLOCATION REQUIREMENTS  
ORDERED BY THE FCC AND THE TENNESSEE  
PERFORMANCE ASSURANCE PLAN**

**DOCKET NO.  
03-00112**

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**ORDER APPROVING REVISIONS TO THE STATEMENT OF  
GENERALLY AVAILABLE TERMS AND CONDITIONS OF BELL SOUTH  
TELECOMMUNICATIONS, INC. RELATING TO COLLOCATION AND THE  
INCLUSION OF THE TENNESSEE PERFORMANCE ASSURANCE PLAN**

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This matter came before Chairman Sara Kyle, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority ("Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 17, 2003, to consider revisions to the Statement of Generally Available Terms and Conditions ("SGAT") of BellSouth Telecommunications, Inc. ("BellSouth") relating to collocation. These revisions were filed on September 12, 2002 in Docket No. 97-00309, *BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*. The September 12, 2002 document purporting to revise that portion of BellSouth's SGAT related to collocation and include the Tennessee Performance Assurance Plan was moved without opposition to Docket No. 03-00112, *In re: Revision of BellSouth SGAT to Include Collocation Requirements Ordered by the FCC and the Tennessee Performance Assurance Plan*, for administrative purposes.

### **Statutory Framework**

An SGAT functions as an interconnection agreement that competing local exchange carriers ("CLECs") may accept without separate negotiation. SGATs are governed by 47 U.S.C. § 252(f), which permits Bell Operating Companies such as BellSouth to prepare and file with State commissions a statement of the terms and conditions that such company generally offers within that State to comply with the requirements of 47 U.S.C. § 251 and the regulations thereunder and the standards applicable under 47 U.S.C. § 252. SGATs filed with State commissions are subject to review pursuant to 57 U.S.C. § 252(f), which states:

(2) State commissions may not approve such statement unless such statement complies with subsection (d) of this section and section 251 of this title and the regulations thereunder. Except as provided in section 253 of this title, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of such statement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

Accordingly, a state commission may not approve an SGAT unless it is consistent with the regulations promulgated by the FCC under 47 U.S.C. § 251 and the cost-based pricing standards for network elements set forth in 47 U.S.C. § 252(d).

### **Relevant Background**

On April 26, 2002, BellSouth submitted its third filing pursuant to 47 U.S.C. § 271 to the Authority in Docket No. 97-00309. After substantial negotiation, the parties in that docket reached a Settlement Agreement on the issues related to 47 U.S.C. § 271 that were before the Authority.<sup>1</sup> On August 7, 2002, the panel in Docket No. 97-00309 unanimously

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<sup>1</sup> The Settlement Agreement addressed issues raised in Docket No. 97-00309, Docket No. 01-00193 and Docket No. 01-00362. The panels assigned to each of those dockets unanimously voted to accept the Settlement Agreement.

voted to accept the Settlement Agreement and to reconvene on August 26, 2002, to deliberate the merits of the issues raised in Docket No. 97-00309.<sup>2</sup>

During the August 26, 2002 Hearing in Docket No. 97-00309, the panel considered BellSouth's request that the Authority find that its SGAT is consistent with 47 U.S.C. § 251 and contains cost-based rates for network elements consistent with 47 U.S.C. § 252(d). A majority of the panel voted to approve the SGAT under section 252(f) based on the findings that BellSouth's SGAT satisfies the requirements of 47 U.S.C. §§ 251 and 252(d).<sup>3</sup> On September 12, 2002, BellSouth filed in Docket No. 97-00309 a document purporting to update portions of its SGAT.

#### **The March 17, 2003 Authority Conference**

At the regularly scheduled Authority Conference on March 17, 2003, the panel assigned to this docket deliberated the revisions to BellSouth's SGAT filed on September 12, 2002, relating to collocation and the inclusion of the Tennessee Performance Assurance Plan. The panel found that the revisions were consistent with the SGAT BellSouth filed with the Federal Communications Commission ("FCC") in the context of BellSouth's successful application to provide in-region, interLATA services in Tennessee. After considering the record and the revisions at issue, the panel voted unanimously to approve the revisions to the SGAT BellSouth filed on September 12, 2002, relating to collocation and the inclusion of the Tennessee Performance Assurance Plan.

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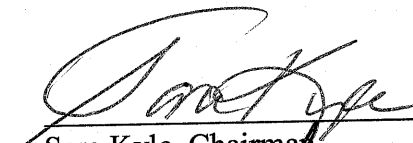
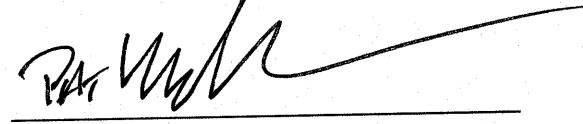
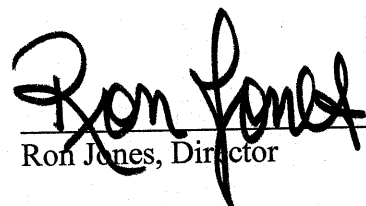
<sup>2</sup> The *Order Approving Settlement Agreement* in Docket No. 97-00309 memorializing these decisions was issued on August 29, 2002.

<sup>3</sup> Director Tate did not vote with the majority. She stated that, based upon the recent changes stemming from the Settlement Agreement in Docket No. 97-00309 and the resultant adoption of the Florida performance plan in the Performance Measurements Docket (Docket No. 01-00193), the version of the SGAT in effect at the time required substantial revision before it could be reviewed, much less approved.

**IT IS THEREFORE ORDERED THAT:**

1. The revisions to the Statement of Generally Available Terms related to collocation and the inclusion of the Tennessee Performance Assurance Plan filed by BellSouth on September 12, 2002, are hereby approved.

2. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order.

  
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Sara Kyle, Chairman  
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Pat Miller, Director  
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Ron Jones, Director